



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

MEMORANDUM

TO The Board of Environmental Protection  
FROM Chris Redmond, Bureau of Land & Water Quality, Augusta  
RE Consent Agreement for Scorpio Island Corporation  
DATE November 16, 2006  
\*\*\*\*\*

**Statute and Rule Reference:** The Natural Resources Protection Act, 38 M.R.S.A. Section 480-C, prohibits soil disturbance adjacent to a coastal wetland without first obtaining a permit from the Department

**Location:** Cumberland, Maine

**Description:** In the fall of 2005, Scorpio Island Corporation placed rip rap and gravel fill along approximately 100 feet of shoreline on Hope Island. The fill was placed in an effort to stop erosion at the toe of a steep slope, however the project failed and the material slumped down to the edge of the coastal wetland. No Natural Resources Protection Act permit was obtained for this activity.

**Environmental Issues:** Placing fill adjacent to a coastal wetland can result in the damage of intertidal marine habitat through erosion. Many marine organisms depend on the use of intertidal areas for a portion of their life cycle. Vegetation is a preferable stabilization technique in near shore areas as it can provide habitat and blends better into the surrounding environs.

**Department Recommendation:** The Department recommends acceptance of this Consent Agreement stipulating that Scorpio Island Corporation pay a monetary penalty of \$ 3,000.00, which has been paid. The majority of the rip rap has been removed, the area regarded, and stabilized with vegetation.

The penalty is based on the Department's penalty policy reflecting the size of the violation, knowledge of the violator and that the violation could have been avoided.

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

SCORPIO ISLAND CORPORATION  
25 South Service Road, Suite 30  
Jericho, NY

) ADMINISTRATIVE  
) CONSENT  
) AGREEMENT  
) (NRPA)

This Agreement by and among Scorpio Island Corporation, the Maine Board of Environmental Protection (the "Board") and the State of Maine Attorney General is entered into pursuant to 38 M R S A § 347-A and in accordance with the Department of Environmental Protection ("Department") Consent Agreement Policy, as amended

The parties agree as follows

- 1 Scorpio Island Corporation owns Hope Island in Cumberland, Maine as described and recorded in Book 11018 on Page 168 of the Cumberland County Registry of Deeds
- 2 Scorpio Island Corporation is a New York corporation in good standing and which owns the property described in Paragraph 1 of this Agreement Phyllis Cacoulidis is the Chief Executive Officer of Scorpio Island Corporation
- 3 The property described in Paragraph 1 of this Agreement contains a portion of a coastal wetland as defined by the Natural Resources Protection Act, 38 M R S A § 480-B(2)
- 4 On September 7, 2005, an inspection of the property described in Paragraph 1 of this Agreement by Department staff revealed that, in an effort to stabilize the shoreline, riprap and gravel fill had been dumped along approximately 100 feet of shoreline The fill was not properly placed and was unstable at the time of inspection Scorpio Island Corporation did not first obtain a permit from the Department for this activity
- 5 By placing fill adjacent to a coastal wetland without first obtaining a permit from the Department, Scorpio Island Corporation violated the Natural Resources Protection Act, 38 M R S A § 480-C
- 6 On January 9, 2006, the Department issued a Notice of Violation to Scorpio Island Corporation regarding the violation described in Paragraphs 4 and 5 of this Agreement
- 7 On June 6, 2006, Scorpio Island Corporation submitted a restoration plan to the Department to completely restore the area adjacent to the coastal wetland on the property described in Paragraph 1 of this Agreement The restoration plan, prepared by Daniel Dornfield, dated April 12, 2006, is entitled "Hope Island" and has been approved by Department staff Staff verified satisfactory completion of the restoration effort on September 1, 2006
- 8 The Board has regulatory authority over the activities described herein

SCORPIO ISLAND CORPORATION

2 ADMINISTRATIVE

) CONSENT  
) AGREEMENT  
) (NRPA)

- 9 This Agreement shall become effective only if accepted by the Board and approved by the Attorney General
- 10 To resolve the violations referred to in Paragraphs 4 and 5 of this Agreement, Scorpio Island Corporation agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of three thousand dollars (\$3,000 00) as a civil monetary penalty
- 11 The Board and the State of Maine Attorney General grant Scorpio Island Corporation a release of their causes of action against Scorpio Island Corporation for the specific violations listed in Paragraphs 4 and 5 of this Agreement on the express condition that all actions listed in Paragraph 10 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of two (2) pages

SCORPIO ISLAND CORPORATION

BY *Phyllis Lacooulidis* DATE 10-26-06  
PHYLLIS LACOULIDIS, CHIEF EXECUTIVE OFFICER

BOARD OF ENVIRONMENTAL PROTECTION

BY \_\_\_\_\_ DATE \_\_\_\_\_  
MATTHEW SCOTT, CHAIR

SEEN AND AGREED TO  
STATE OF MAINE

BY \_\_\_\_\_ DATE \_\_\_\_\_  
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL